

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ERNEST HOWARD,

Petitioner

v.

HUGH SMITH, Warden,

Respondent

:
:
:
:
:
:
:
:
:
:

5:05-CV-91 (WDO)

ORDER

Before the Court is the Magistrate Judge's Report and Recommendation to dismiss this habeas petition as untimely filed. Having carefully considered the Recommendation, and the objections filed thereto, the Recommendation is ADOPTED and made the order of the Court. This matter is DISMISSED WITH PREJUDICE.

SO ORDERED this 1st day of September, 2005.

**S/Wilbur D. Owens, Jr.
WILBUR D. OWENS, JR.
UNITED STATES DISTRICT JUDGE**